

UNITED STATES DISTRICT COURT
FOR THE MARYLAND DISTRICT

MICHAEL A. MCNEIL

*

Appellant

*

Case No. 1:13-cv-02788-WDQ

v.

*

STEPHAN A. DRAZIN

*

Appellee

*

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2013 OCT 21 A 11:
CLERK'S OFFICE
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

APPELLANT'S OPPOSITION TO APPELLEE'S MOTION TO DISMISS

NOW COMES the Appellant, Michael A. McNeil and opposes the Appellee's Motion to Dismiss and states the following:

1. The Appeal was "docket" on September 4, 2013 however according to Pacer this "docketing" was not "entered" until September 23, 2013 and prior to that there was no Case Number for this case. [ECF 1]
2. On September 23, 2013, this Court sent a letter to all parties notifying them that an appeal had been "docketed" on September 4, 2013 in accordance with FRBP 8007 (b). [ECF 2]
3. According to the letter sent by the clerk of this court, "the letter sent in accordance to FRBP 8007 (b) which purpose is to notify parties of the docketing of an appeals so that they know when briefs are due was not made promptly in according to FRBP 8007 (b) in that the given the docketing date September 4, 2013, the appellant's brief was due on September 18, 2013.

he had to file his opening brief.

On receipt of the transmission the clerk of the district court or the clerk of the bankruptcy appellate panel shall enter the appeal in the docket and give notice promptly to all parties to the judgment, order, or decree appealed from of the date on which the appeal was docketed.

9. On October 4, 2013, the Appellant contacted the Appellee's attorney asking her to withdraw this frivolous "Motion to Dismiss" base on the aforementioned facts. She has thus far decided not to do so in order to drive up the cost of litigation and cause more work on this court.

WHEREFORE, the Appellant ask this court to dismiss the APPELLEE'S MOTION TO DISMISS and sanction the Appellee's attorney for her knowingly filing a frivolous Motion To Dismiss with this court causing both this court and the Appellant to do completely unnecessary work in dealing with her filing.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of October 2013 I mailed a copy of the of the aforementioned via First Class, United States Mail, postage fully prepaid to the following:

Cary C Jacobson

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